

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction – January 4, 2005
Public Hearing – January 25, 2005

CONTACT PERSON/PHONE: Jorge E. Rousselin, 541-4723

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance changing the zoning of A portion of Lot 11, Block 1, Farah Subdivision Replat A, El Paso, El Paso County, Texas, from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Fong. ZON04-00147.
(District 3)

BACKGROUND / DISCUSSION:

See attached staff report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 11, BLOCK 1, FARAH SUBDIVISION REPLAT A, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *A portion of Lot 11, Block 1, Farah Subdivision Replat A, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"* be changed from **M-1 (Light Manufacturing)** to **C-4 (Commercial)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of **January 2005**.

THE CITY OF EL PASO

Joe Wardy
Mayor

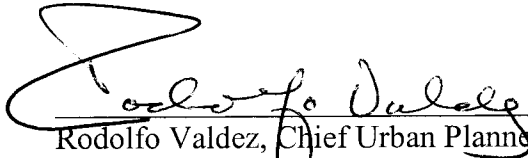
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Jorge E. Rousselin, Urban Planner
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:



Matt Watson, Assistant City Attorney

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas (915) 562-0002 Fax (915) 562-7743

9099 Gateway West

A Portion of Lot 11, Block 1, Farah Subdivision Replat A, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof recorded in Book 46 Page 31, of Plat Records of El Paso County, Texas being more particularly described by Metes and bounds as follows:

Commencing at a brass cap in concrete, being a Texas Highway Department monument which bears South 54° 07'22" East, a distance of 1,195.65 feet from the centerline intersection of Viscount Boulevard and the Northerly Right-of-Way line of Interstate Highway No. 10; Thence North 54° 07'22" West, along said Right-of-Way line, a distance of 2,516.00 feet to a point on the Southerly property line of Block 1, Farah Subdivision Replat A, said point being the TRUE POINT OF BEGINNING of this description:

Thence, continuing North 34° 07'22" West a distance of One Hundred Twenty Five and no hundredths (125.00) feet to a point for a corner;

Thence, North 35° 52'12" East a distance of One Hundred Sixty Five and Three hundredths (165.03) feet to a point for a corner;

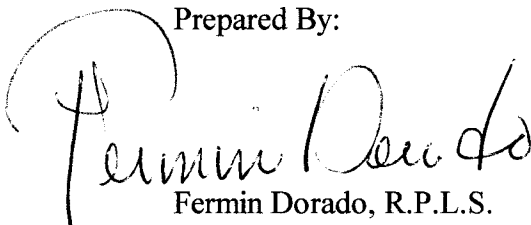
Thence, South 54° 07'48" East a distance of One Hundred Forty Five and no hundredths (145.00) feet to a point lying on the Northerly Right-of-Way line of Larry Mahan Drive;

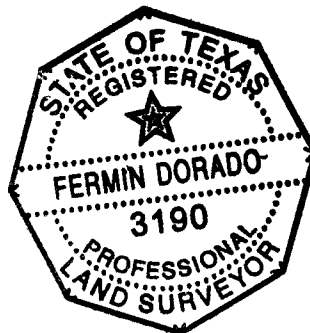
Thence, South 35° 52'12" West along said Right-of-Way line a distance of One Hundred Forty Five and Three hundredths (145.03) feet to a point for a curve;

Thence, Thirty One and Forty Two hundredths (31.42) feet along the arc of a curve to the right, having a radius of Twenty and no hundredths (20.00) feet, a central angle of 90° 00'25" and a chord which bears South 80° 52'25" West a distance of Twenty Eight and Twenty Nine hundredths (28.29) feet to the true point of beginning of this description;

Said parcel of land contains 0.54741 acres or 23,845.513 square feet of land more or less

Prepared By:


Fermin Dorado, R.P.L.S.



December 20, 2004

Exhibit "A"

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



GEORGE G. SARMIENTO, AICP
DIRECTOR

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

December 23, 2004

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Jorge E. Rousselin

SUBJECT: ZON04-00147

The City Plan Commission (CPC), on December 02, 2004, voted **6- 0** to recommend **APPROVAL** of the proposed rezoning from M-1 (Light Manufacturing) to C-4 (Commercial) not concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

STAFF REPORT

Rezoning Case: ZON04-00147

Property Owner(s): Oriental Palace Inc.

Applicant(s): Oriental Palace (Jose Fong)

Representative(s): Dorado Engineering

Legal Description: A portion of Lot 11, Block 1, Farah Subdivision Replat A

Location: 9099 Gateway West

Representative District: # 3

Area: 0.5473 Acres

Present Zoning: M-1 (Manufacturing)

Present Use: Restaurant

Proposed Zoning: C-4 (Commercial)

Proposed Use: Bar / Nightclub

Recognized Neighborhood Associations Contacted: Eastside Civic Association

Surrounding Land Uses:

| | |
|----------------|--|
| North - | M-1 (Light Manufacturing) / Industrial warehousing |
| South - | A-O (Apartment/Office) / C-1 (Commercial) / Apartments/ Restaurants |
| East - | C-4 (Commercial) / Hotel |
| West- | C-4 (Commercial) / Offices |

Year 2025 Designation: Commercial (East Planning Area)

**CITY PLAN COMMISSION HEARING, December 16, 2004,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON04-00147

General Information:

The applicant is requesting a rezoning from M-1 (Manufacturing) to C-4 (Commercial) in order to permit a bar. The property is 0.5473 acres in size and is currently the Oriental Palace restaurant. The proposed site plan shows the existing structure to remain on the site. Access is proposed via Gateway Blvd West and Larry Mahan with 36 parking spaces proposed. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received one phone calls in support of this application and no letters or phone calls in opposition.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from M-1 (Manufacturing) to C-4 (Commercial) and recommends approval of C-1 (Commercial).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **East** Planning Area designates this property for **Commercial** land uses.

C-1 (Commercial) zoning permits a bar and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-1 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will Bar be compatible with adjacent land uses?

Information To The Applicant:

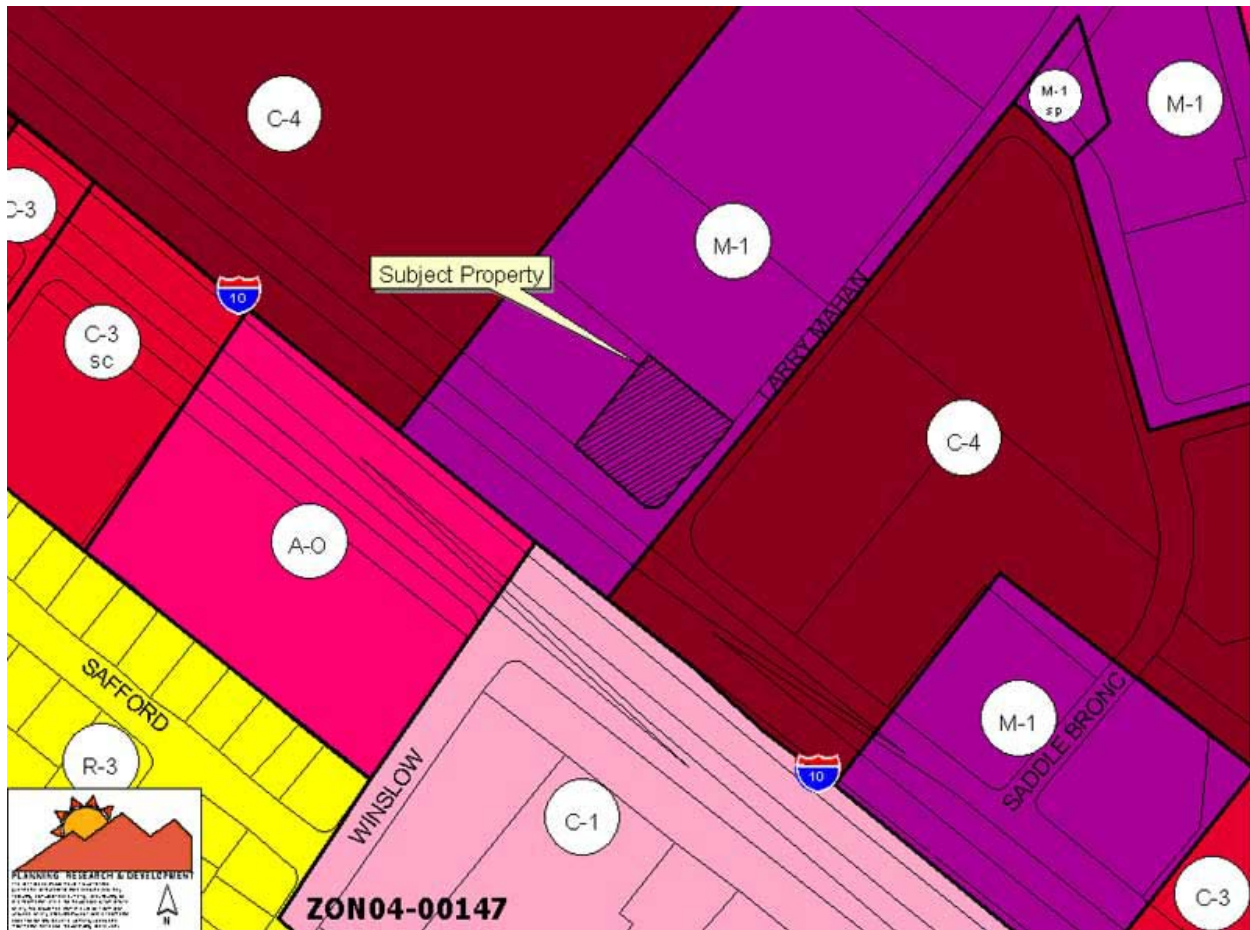
- Building Permits and Inspections Department, Zoning Division Notes:

- Motor Building Permits and Inspections does not object to the proposed zone change to **C-4 for the proposed night club**
- Engineering Department, Development Division Notes:
 - No comments submitted
- Engineering, Traffic Division Notes:
 - See attachment 2
- Fire Department Notes:
 - No comments submitted
- El Paso Water Utilities Notes:
 - See attachment 3
- Planning, Research and Development Department Notes:
 - Planning recommends rezoning to C-1 (Commercial)

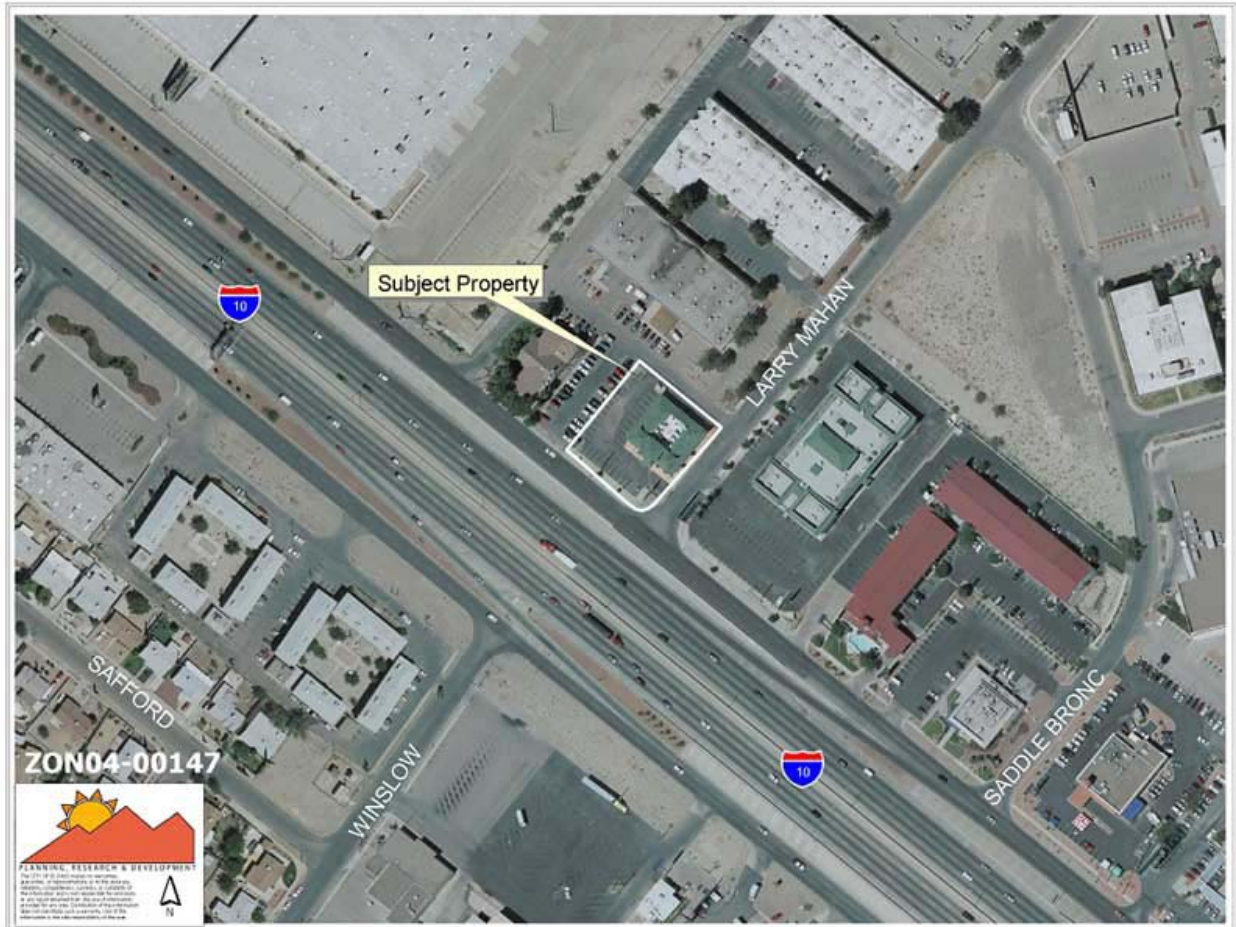
ATTACHMENT: Location Map; Site Plan; Department Comments.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

LOCATION MAP



AERIAL



SITE PLAN



TO: **PLANNING DEPARTMENT**

DATE: **December 10, 2004**

FROM: **ENGINEERING DEPARTMENT**

ADDRESS: **9099 Gateway West**

ATTN: **Fred Lopez, or Jorge Rousselin
Urban Planners**

PROPOSED USE: **Bar**

CASE NO.: ZON04-00147 PROPOSED ZONE: C-4

REQUEST: Rezoning from M-1 to C-4

LEGAL DESCRIPTION: A portion of Lot 11, Blk 1, Farah Subdivision Replat "A"

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Handicap accessible Sidewalks , Wheel-chair ramps will be required,
- ☐ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☐ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is **not** located within the Special Flood Hazard Area. Zone **C**, Panel **41 B**.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: **3**

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

RICK CONNER
CITY ENGINEER



November 29, 2004

ENGINEERING DEPARTMENT

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
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VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: Fred Lopez, Zoning Coordinator
Jorge Rousselin, Planner I

COPY TO: Land Development,

FROM: Traffic Division

SUBJECT: ZONO4-00147 9099 Gateway West
Zoning Change from M-1 to C-4

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- No apparent traffic concerns with the proposed zoning change.

Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina at 541-4223.

To: Jorge Rousselin
Planner II/Zoning Coordinator

From: El Paso Water Utilities - Engineering

Date: November 22, 2004

Subject: **ZON04-00147 (Rezoning Case)**
A Portion of Lot 11, Block 1, Farah Subdivision Replat A
Location: 9099 Gateway West
Present: M-1 (Manufacturing); Vacant
Proposed: C-4 (Commercial); Bar

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We have reviewed the zoning change request described above and provide the following comments:

General

1. The property at 9099 Gateway West Boulevard has active water (1-1/2" meter) and sanitary sewer service connections.
2. Additional services are available from existing water and sanitary sewer mains along Larry Mahan Drive. There are no water or sanitary sewer mains adjacent to the subject property along Gateway West Boulevard.
3. Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application.
4. EPWU does not object to this request.